

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: Kam, Chih Min
	)	
Frederic DeSAUVAGE, et al.	)	Art Unit: 1653
	)	
Application Serial No. 09/813,775	)	Attorney's Docket No. 39766-0057 CP2
	)	
Filed: March 20, 2001	)	Customer No. 25213
	)	
For: NOVEL CHIMPANZEE	)	
ERYTHROPOIETIN (CHEPO)	)	
POLYPEPTIDES AND NUCLEIC	)	
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EXPRESS MAIL LABEL NO. EL 976 542 978 US  
Date Mailed: NOVEMBER 24, 2003

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

**Mail Stop AF**  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Supplemental Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

A copy of the International Search Report for the corresponding PCT application is enclosed.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form Supplemental PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☒ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Attorney's Docket No. 39766-0057 CP2).

Respectfully submitted,

By: Leslie Mooi

Leslie A. Mooi (Reg. No. 37,047)

Dated: November 24, 2003

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PTO/SB/08 (2/9)  
Sheet 1 of

Supplemental Form PTO-1449

Attorney's Docket No.  
39766-0057 CP2Application Serial No.  
09/813,775

## INFORMATION DISCLOSURE STATEMENT

Applicant(s)

Frederic DeSAUVAGE, et al.

(use several sheets if necessary)

Filing Date:  
March 20, 2001Group Art Unit:  
1653

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)
	1.	4/03	6,555,343	DeSavauge, et al.	435	69.1	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
	2.	11/00	WO 00/68376	PCT				

## OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
	3.	Ellison, J., et al., "Linkage and Sequence Homology of Two Human Immunoglobulin $\gamma$ Heavy Chain Constant Region Genes", <i>Proc. Natl'. Acad. Sci. USA</i> - 79:1984-1988 (1982)
	4.	Huck, S., "Sequence of a Human Immunoglobulin Gamma 3 Heavy Chain Constant Region Gene: Comparison With th Other Human $\gamma$ Genes", <i>Nucleic Acids Research</i> - 14(4):1779-1789 (1986)

## EXAMINER:

## DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

\*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).

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